

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re:

ABENGOA BIOENERGY US HOLDING LLC, et al.,
Debtors.

Chapter 11

Case No. 16-41161-659
Jointly Administered

Re: Dkt No. 2086

**ORDER APPROVING GUC LIQUIDATING TRUSTEE'S
THIRTY-NINTH OMNIBUS CLAIMS OBJECTION
SEEKING TO RECLASSIFY CERTAIN CLAIMS**

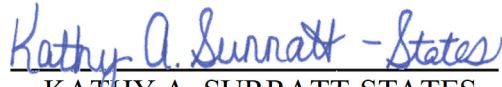
Upon the *GUC Liquidating Trustee's Thirty-Ninth Omnibus Claims Objection Seeking to Reclassify Certain Claims*) [Dkt. No. 2086] (the "Objection")¹ filed by the GUC Liquidating Trustee for an order (the "Order") pursuant to Bankruptcy Code sections 502(b) and 1141(a), Bankruptcy Rule 3007 and Local Rule 3007(C) and the Claims Objection Procedures Order; and this Court having jurisdiction to consider the Objection and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and consideration of the Objection and the requested relief being a core proceeding that the Court can determine pursuant to 28 U.S.C. § 157(b)(2); and the GUC Liquidating Trustee having represented that proper notice of the Objection has been given and that no other or further notice need be given; and there being no responses filed to the Objection; and the Court having reviewed the Objection; and the relief requested in the Objection being in the best interests of the debtors, their creditors, their estates and all other parties in interest in these cases; and the Court having determined that the legal and factual bases set forth in the Objection establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor,

¹ Capitalized terms not defined in this Order shall have the meanings given to them in the Objection.

IT IS HEREBY ORDERED THAT:

1. The Objection is **SUSTAINED**.
2. The claims listed on Schedule A attached to this Order (the "Reclassified Claims") are reclassified as general unsecured claims against the applicable Debtor identified on Schedule A.
3. This Order is without prejudice to the rights of the GUC Liquidating Trustee or any other party in interest to object to any of the Reclassified Claims or any other claim on any grounds.
4. This Order shall be effective immediately upon its entry.
5. The GUC Liquidating Trustee, the Debtors, the Claims Agent, and the Clerk of this Court are authorized to modify the claims registers to indicate the reclassification of the Reclassified Claims as set forth on Exhibit A.

No later than two (2) business days after entry of this Order, counsel for the GUC Liquidating Trustee shall serve a copy of this Order on the Notice Parties and shall file a certificate of service no later than 24 hours after service.


KATHY A. SURRATT-STATES
Chief U.S. Bankruptcy Judge

DATED: December 23, 2020
St. Louis, Missouri
jjh

Order Prepared by:
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SCHEDULE A

Claims Objection									
Abengoa Liquidation Trust/ ABUS, LLC et al									
Lead Case No.: 16-41161									
Creditor Name and Address	Case No.	Claim No. to be Reclassified	Debtor	Claim Date	Claim Type as Filed	Claim Amount as Filed	Claim Type as Reclassified	Claim Amount as Reclassified	Basis for Claim Objection
Silicon Valley Bank c/o Zach Norris 300 Interlocken Crescent, Suite 600 Brookfield, CO 80021	16-41167	5-1	Abengoa Bioenergy Trading LLC	9/15/2016	Secured	\$5,218,431.13 U	Unsecured	\$5,218,431.13	This claim is unsecured, and although it does not appear in the books and records, is supported by ample evidence of the claimed amount. The claim should be allowed in full as a general unsecured claim.
Red Brick Electric, Inc. Hinkle Law Firm LLC 301 North Main, Suite 2000 Wichita KS 67202-4820	16-41161	176-1	Abengoa Bioenergy US Holdings, LLC	9/30/2016	Secured	\$127,719.27	Unsecured	\$127,719.27	This claim is unsecured and the mechanics lien securing the claim was released prior to the Colwich plant's sale. The claim should be allowed in its full amount and supersedes scheduled claim no. 313329.
Cee Kay Supply Inc 5835 Manchester Ave St Louis MO 63110	16-44195	11-1	Abengoa Bioenergy of Illinois LLC	9/15/2016	Admin	\$685.31	Unsecured	\$685.31	This claim represents pre-petition liabilities and should be allowed in its full amount as a general unsecured claim. It also supersedes scheduled claim 500402.
ICM, Inc., c/o Legal Office 310 N 1st St. Colwich, KS 67030	16-41165	16-1	Abengoa Bioenergy Company, LLC	6/2/2016	Unsecured	\$9,533.75	Unsecured	\$9,533.75	This claims is filed in the wrong case and should be allowed in its full amount as a general unsecured claim in the Abengoa Bioenergy of Illinois case (Case no. 16-44195)
ICM, Inc., c/o Legal Office 310 N 1st St. Colwich, KS 67030	16-41165	17-1	Abengoa Bioenergy Company, LLC	6/2/2016	Unsecured	\$4,976.00	Unsecured	\$4,976.00	This claims is filed in the wrong case and should be allowed in its full amount as a general unsecured claim in the Abengoa Bioenergy of Indiana case (Case no. 16-44196 and supersedes scheduled claim 500352.